App F IX 4

Previous References
CM 27-51-9
CM 27-51-12
CM 27-51-10
Legis 58-51-1
Later References
CH 130-53-12
LLH 26 (CCL 51)

19 52-53
(CM)

File No 49-1
Serial Nos 1, 2

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Aug 52

SUBJECT

Appointment of an Election Commissr for the Davangere city Mcty.

L 8102/2 M/49-52-2 dt 26-8-52

The Compiler Maps Gazette notifies

Copy 1) Registrar High Court &
2) Distt Judge Shimoga
3) MC Commr. Davangere

(P) 13/(E)

WD 015467—GPB—25 000—12-9 51

CC 30/8/52

2295 pml

Elections to the Davangere city municipal Council - Appointment of an Election Commissioner to enquire into Election petitions

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The Mysore city Municipalities (Amendment) Act, 1951, was enacted on 20. 12. 1951

2) Subsection (2) of Sec 1 of the said Act provides as follows —

gazette copy of the Act is put up and flagged "A"

"This Section shall come into force at once, and such of the other provisions of this Act shall come into force on such dates and in such city municipalities as the Government may, by notification in the Mysore gazette specify in this behalf, and different dates may be specified in respect of different provisions in the case of any city Municipality."

3) When this amendment Act was enacted, the Reconstitution of the Davangere city Municipality was imminent. Government intended that the elections to the Davangere city Municipality should be held under the amended law on the basis of adult franchise

4) The amendment Act did not however provide for transitory and ~~transitional~~ transitional provisions. In consequence

2295/HL

Appointment of an Election Council for Davangere city Municipality

the immediate application of all the provisions of the new Act to the Davangere city Municipality (just) where the elections were impending was fraught with certain legal difficulties ~~Hence after a thorough~~ examination of the question and on the advice of the Law Department, the ~~provisions~~ But the term of the municipal Council had to be extended to allow sufficient time for the different stages of the election The maximum extensible period of 4 years under the unamended provision having by then expired, any further extension of the term of the municipal Council was only possible under Sec 8 of the amendment Act. Hence after a thorough examination of the question and on the advice of the Law Department, the provisions of Sec 8 of the new Act only was brought into force in Davangere city Municipality on 26 12 51 on notification no. L 10315/ Flag Q CM 27-51-9 dated 25-12-51 and the term of the Council extended under this provision upto the end of June 52 on notification no L 10354/CM 27-51-10 Flag P dated 28 12 51 The other amendments have since been notified to come into force on 1 2 52, the date of Re-constitution flag

Appointment of an Election Officer for Davangere city Municipality

5) Elections to the Davangere city municipal Council have been held on 16 6 52 under the old law. The point for consideration now is before whom petitions challenging the validity of the elections should be filed

6) Under Sec 20 of the old Act (amended) an appeal in city municipal elections shall lie to the District Judge of the District within 10 days after the date of the declaration of Results of the election Under the Amendment Act the appeal would be to the Election Commissioner to be appointed by Govt under Sec 2 of the Said Act within 10 days of notifying the Results of election in the gazette

7) As already noted above in the preceding paragraphs only Sec 8 of the Amendment has now come into force in the Davangere city Municipality and the other provisions have yet to come into force on 1 7 52 The old provisions for appeals ought therefore to continue in the Davangere city Municipality till 1 7 52 under which the parties should file election petitions before the Dt Judge of the Dist. within 10 days of the declaration of Results

2095/11

Appointment of an Election Concur for Davangere city Municipality -

by the Returning Officer (also vide Rule 54 of the city Municipal Election Rules) if the seat should not be filled by time

2) Since 1.7.52 when the new amended provisions became operative, an Election Commissioner has to be appointed by Government for the purpose as the Dt Judge would then have supervision over this matter, automatically ceased to have

3) The question now is who should be the Election Commr for decision Since appeals, if any, would have been filed before the District Judge under the existing unamended provisions, the appointment of any person other than the District Judge, including as Election Commr of Davangere city Municipality would entail transference of these petitions to a different Criminal Branch as it tract delay and avoidable inconvenience to the parties The States of a city Municipality may also nominate a person not lower in rank than a District Judge being appointed as Election Commissioner From the point of view of administrative Convenience and also the States of the Municipality

22957/K 1602

Appointment of an Election Commissioner for Nakuru Municipality

It looks as if it may be desirable that the District Judge, Mr. Ag Chief Justice himself is appointed as the Election Commissioner for the Nakuru Municipality. This is for consideration and orders

10) The Law Department and the High Court may also have to be consulted for the appointment of a District Judge as Election Commissioner. This is a case perhaps to be appropriately pursued further on the Chief Secretariat

11) See 5 for orders

Hcas 26/6/52

12) This letter from a District Judge 26/6 is appointed as Election Commissioner

The Law Secretary has to be consulted

26/6

Secy L.S.) 13) Your further remarks 26/6/52

Law Secy)

27 JUN 1952

14) The High Court may be consulted as proposed at 'A' above.

15) Draft

2295/RL 1602

Appointment of an Election Commissioner for Davangere City Municipality

16) Submitted with a draft for appl

17) some

No 1532/CLS 80-52-1 Dt 2-7-52

To The Regr, H C of Mysore

calls for certain particulars in the matter

Sec A
BL 6/7/52

18) Submitted with a draft reminder.

25/7

19) Appln has been received

From 1602/Law 2107/Law 2295/me

The Registrar High Court

No Roc 324/52-53 dt 29-7-1952

States that the Dist Judge Shimoga may be appointed as Election Commissioner under the Mysore City Municipalities (Amendment) Act 1951 in addition to his duties as the Devangere City Municipality

(20) If approved, the file may be sent to the Municipal Branch for further action with reference to paras 12-15 of the letter

Law Secy) 29/7

Secy) 30/7

31/7/52

311

Immediate

21) Draft notification as per rep at ℄ for consideration whether the appointment of the Dist Judge as Election Commr may issue from the L.S.G. Secretariat.

2/8/52

Secy) 2/8

315

R-1/8

4S-41
4 AUG 1952

22) 8/8 I think it would be more appropriate for the notification to issue from the Law Dept

Law Secy) 4/8/52

1345/LD

Department of Election Commission Bangalore City

2101

Hlly

2295
Hl

23) It is an order under the City MC Act & has to issue from Secy Secy - Legislative Department

Secy (Legislative Department)

4/8

Legislative Department

4/8

MS
Sri [illegible]
mas
6/8/52

LEGISLATIVE DEPARTMENT
6 AUG 1952
GENERAL & REVENUE SECTION

The draft notification as slightly modified is legally in order

Secy (Law Secy)

13/8

14/8

16/8

12/8/52
Mas
12.8.52

LEGISLATIVE DEPARTMENT
14 AUG 1952

From Secretariat before issue

18/8/52

Issue from 21.8.52 pm

21/8/52

21/8/52

OFFICE OF THE COMMISSIONER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
1952
No. 3029

To be compiled
Mysore Gazette
2-8102/CMA 9-52-2
Notified 26-8-52

Issued

Copy to
The Registrar High Court of Mysore
The Dist. Judge Shimoga
The Hl. Commr. Bangalore
2 8103-5/dated 26-8-52

B

Draft

Cls-80-50-1 1532 Cls 2-7-52

To

The Registrar,
High Court of Mysore,
Bangalore

Sir,

Re - Appointment of an - Election Commissioner for the Davangere City Municipality

I am directed to state that in pursuance of Government Notification No L 3011/C M 27-52-12 dated 3-6-52, provisions other than section 8 of the Mysore City Municipalities (Amendment)/Act, 1951, (Act No XXXIV if 1951) ~~also~~ will come into force in respect of Davangere City Municipality from 1-7-52, and under section 2 of the Mysore City Municipalities (Amendment) Act, 1951, an Election Commissioner has to be appointed by Government to hear election petitions relating ~~to Davangere City~~ to the above Municipality

It is suggested that the District Judges may be appointed under Section 2 of the said amendment act, referred to above as Election Commissioners in their respective jurisdictions

I am to request that the views of the High Court in the matter may kidly be furnished to Government very early

Yours faithfully
Sd/-
for Secy to Govt
Home Law Dept

I am to enquire whether the Dist Judge Shimoga may be appointed as Election Comr under the Mysore City Municipalities Act (Amendment) Act 1951 in addition to his duties in connection with the same also to invite reference to the old Act (Amended) under

CJM 2/8/52

where appeals on
city municipal elections
~~by~~ shall be to
the District Judge of the
district within 10 days
after the date of the
declaration of the result of
the election

'b' C

GOVERNMENT OF HIS HIGHNESS HIS MAHARAJA OF MYSORE

No 1532 | 52

General and Revenue Secretariat,

Dated Bangalore, 2 - 7 - 1952

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore

To

The Registrar,
High Court of Mysore,
Bangalore

SIR,

Re -Appointment of an Election Commissioner for the Davangere City Municipality

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I am directed to state that in pursuance of Government Notification No L 3011/C M 27-52-12 dated 3-6-1952, provisions other than section 8 of the Mysore City Municipalities (Amendment) Act, 1951, (Act No XXXIV of 1951) will come into force in respect of Davangere City Municipality fro 1-7-1952, and under section 2 of the Mysore City Municipality (Amendment) Act 1951, an Election Commissioner has to be appointed by Government to hear election petitions relating to the above Municipality

2) In this connection I am also to invite reference to S 20 of the Old Act (Amendment) under which appeals on City Municipal Elections shall lie to the District Judge of the district within ten days after the date of the declaration of results of the elections

3) I am to enqurre whether the District Judge, Shimoga may be appointed as Election Commissioner under the Mysore City Municipalities Act (Amendment) Act 1951 in addition to his duties

4) I am to request that the views of the High Court in the matter may kindly be furnished to Government very early.

Yours faithfully,
R P Vasudeo
(~~M S A D I S I V I Y A~~)
For Secretary to Government,
Law Department

2107
Lett

R O C No 324/52-53
D Dis.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 29th July ***195*** 2

FROM

SRI T KEMPAIYA, B A, LL B,
Registrar, High Court of Mysore
Bangalore

To

The Secretary to the Government
of Mysore, Law Department,
Bangalore

C M 29-521

SIR,

Subject - Appointment of an Election Commissioner for the Davangere City Municipality

With reference to your letter No 1532/Cts dated 2-7-52 on the subject mentioned above, I am directed to state that the District Judge, Shimoga may be appointed as Election Commissioner under the Mysore City Municipalities (Amendment) Act 1951, in addition to his duties

Yours faithfully,

For (T Kempaiya)
Registrar,
(on Casual Leave)

CL /2

G R S App F G 3]

GENERAL AND REVENUE SECRETARIAT

~~(Continuation sheet/draft form.)~~

No. 8103 / C M 49-52-2
Notification 26-8-52

Notification

under Sub-sec (5-a) of Sec 3 of the Mysore City Municipalities Act, 1933, as amended by Sec 2 of the Amending Act, 1951 (Act No XXXVI of 1951) the Maharaja of Mysore is pleased to appoint the District Judge, Shimoga to be the Election Commissioner for the Municipalities in the Districts

B. O. & R. M.

L. S. G. Secy
26/8/52

To

The Compiler, Mysore gazette for publication in the gazette 49-5-2-2

Memo No. L 8103-5/CM 26-8-52

Copy of the Commissioner, Municipalities for information.

B. O.

26/8/52 L S G Secy

The powers in exercise of ~~Sub-Section~~ conferred by clause (5-a) of Section 3 of the Mysore City Municipalities Act, 1933, (Mysore Act VII of 1933),

Copy to the Regr Hqrs Ct.

Copy to Dr Judy Shimoga

WD0108—G1 B—25 000—18 7 50

GOVERNMENT OF MYSORE

General and Revenue Secretariat,

No L 8102 /C1R 49 S2 2 *Bangalore, dated* 26-8-1952

NOTIFICATION

~~NOTIFICATION~~

In exercise of the powers conferred by clause (5-a) of Section 3 of the Mysore City Municipalities Act, 1933, (Mysore Act No.VII of 1933) His Highness the Maharaja of Mysore is pleased to appoint the District Judge, Shimoga, to be the Election Commissioner, for the Davangere City Municipality

By order of
His Highness the Maharaja,

Sd. A S Khaleel

Secretary to Government,
L.S G. Department

To

The Compiler, Mysore Gazette, for publication in the Gazette

Memo No L. 8103-5-/C R. 49-5-2-2 26-8-52

Copy of the above is forwarded to:-

1. The Registrar, High Court of Mysore, Bangalore,
2. The District Judge, Shimoga District, Shimoga
3. The Municipal Commissioner, Davangere City Municipality Davangere.

Hanumanthappa 26/8/52

(V Hanumanthappa)
For Secretary to Government,
L S G Department

knr-13/22.8